

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO.: 16-CR-10233-RGS
)	
DONNA M. ACKERLY)	
)	
)	

GOVERNMENT'S ASSENTED-TO MOTION TO CONTINUE TRIAL DATE

The government respectfully moves to continue the February 22, 2022 trial in this matter until a date determined by the Court. Defendant Donna Ackerly does not oppose this motion. The government also requests that pretrial deadlines be modified to continue the filing deadlines and final pretrial conference to dates aligned with the newly-scheduled trial date. The parties request that the Court hold the Status Conference presently scheduled for February 11, 2022 at 3 p.m. The parties can attend an in-court hearing or by zoom, whatever is convenient for the Court.

As grounds therefore, the parties state that the government and the defendant have been attempting to resolve this matter short of trial and have thus far been unable to do so. Absent a resolution, the defendant intends to file pre-trial motions that will require further attention from the Court. Additionally, the status of the COVID-19 pandemic and in particular the emergence of the Omicron variant and the court's recent scheduling orders cancelling jury trials through February 10, 2022, have impacted the government's trial schedule. One of the undersigned AUSAs has another trial, previously scheduled for February 1, 2022, that is now scheduled for either February 22, 2022, or in the alternative, March 1, 2022. Further, counsel for the defendant currently has a civil trial scheduled for March 7, 2022 in Middlesex Superior Court.

A continuance of the February 22, 2022 trial date will allow the parties “the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. §3161(h)(7)(B)(iv). The ends of justice served by granting the requested continuance and excluding the time period from February 22, 2022 until the newly assigned trial date from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(B)(iv); (h)(7)(A).

WHEREFORE, the government respectfully requests that the Court continue the trial date until a date determined by the Court.

Respectfully submitted

RACHAEL S. ROLLINS
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Certificate of Service

I, Mackenzie A. Queenin, hereby certify that this document was this day filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”).

Date: January 31, 2022

/s/ Mackenzie A. Queenin
Mackenzie A. Queenin